

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

VIRGINIA GREUX

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (*Firm Name, Address, and Telephone Number*)
 Thomas G. Krall
 Krall Law Offices, PLLC
 26640 Harper Avenue, St. Clair Shores, Michigan 48081

DEFENDANTS

CHIPOTLE MEXICAN GRILL, INC.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
 THE TRACT OF LAND INVOLVED.

Attorneys (*If Known*)
 David J. Stein and Christen J. McGlynn
 Masuda, Funai, Eifert & Mitchell, Ltd.
 203 North LaSalle Street, Suite 2500, Chicago, Illinois 60601

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- | | |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question
<i>(U.S. Government Not a Party)</i> |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity
<i>(Indicate Citizenship of Parties in Item III)</i> |

III. CITIZENSHIP OF PRINCIPAL PARTIES

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input checked="" type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input checked="" type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 460 Deporation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle			<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
IMMIGRATION				
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 465 Other Immigration Actions		
FEDERAL TAX SUITS				
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- | | | | | | | |
|--|--|--|---|--|--|---|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District
<i>(specify)</i> | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|--|--|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (*Do not cite jurisdictional statutes unless diversity*):
 28 US 1441(b)

VI. CAUSE OF ACTION

Brief description of cause:
 Diversity

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 305,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

April 1, 2022

SIGNATURE OF ATTORNEY OF RECORD

/s/ David J. Stein

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

VIRGINIA GREAUX,)	
)	
Plaintiff,)	Case No.
)	
v.)	U.S. District Judge
)	
CHIPOTLE MEXICAN GRILL, INC.)	U.S. Magistrate Judge
and JOHN DOE, an individual,)	
)	
Defendants, jointly and severally.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1332, 1441, and 1446, Defendant Chipotle Mexican Grill, Inc. (“Chipotle”) files this Notice of Removal, removing a civil action titled *Virginia Greaux v. Chipotle Mexican Grill, Inc. and John Doe*, Case No. 22-00832, from the Circuit Court for the County of Macomb, Michigan, to the United States District Court for the Eastern District of Michigan, Southern Division. In support of this Notice of Removal, Chipotle states as follows:

BACKGROUND AND PROCEDURAL HISTORY

1. On or about February 25, 2022, Plaintiff Virginia Greaux (“Plaintiff”) filed a civil action against Chipotle in the Circuit Court of Macomb County, Michigan, captioned *Virginia Greaux v. Chipotle Mexican Grill, Inc. and John Doe*, and appearing on that court’s docket as Case No. 22-00082 (the “State Court Action”).

2. Chipotle was served with the Complaint and Summons for the State Court Action by certified U.S. Mail on March 7, 2022.

3. Plaintiff’s Complaint in the State Court Action alleges three causes of action against Chipotle, as follows: (1) Count I – Negligence; (2) Count II – Breach of Implied Warranty; (3) Count III—Statutory Violation of MCL 289.5101.

4. The following process, pleadings, and orders have been served thus far in the State Court Action, and pursuant to 28 U.S.C. § 1446(a), all of these documents are attached hereto:

- a. Plaintiff's Complaint, filed on February 25, 2022, attached as Exhibit 1.
- b. Plaintiff's Summons, served on March 7, 2022, attached as Exhibit 2.

PROPRIETY OF REMOVAL: DIVERSITY JURISDICTION

5. Plaintiff is a resident and citizen of the state of Michigan. (*See Exhibit 1, ¶ 1*).

6. Chipotle is a corporation organized under the laws of Delaware, with its principal place of business in the state of California. (*See Declaration of XX, attached hereto as Exhibit 3*).

7. The parties are all citizens of different States.

8. The amount in controversy in this action exceeds \$75,000.00 as demonstrated in Plaintiff's Demand Letter where she requests an award of \$305,000. (*See Demand Letter, attached hereto as Exhibit 4*).

9. "The amount in controversy is assessed as of the time the complaint is filed." *White v. Loomis Armored US, Inc.*, 729 F. Supp. 2d 897, 900 (E.D. Mich. 2010). District Courts across the Sixth Circuit have held that a demand letter can be "relevant evidence of the amount in controversy" if the demand "appears to reflect a reasonable estimate of the plaintiff's claim."¹ *Finnegan v. Wendy's Int'l, Inc.*, No. 2:08-CV-185, 2008 WL 2078068, at *3 (S.D. Ohio May 13, 2008); *see also, Intellitronix Corp. v. Fraker*, No. 1:19 CV 966, 2019 WL 13145626, at *2 (N.D. Ohio June 24, 2019) (holding a Demand Letter can satisfy the amount in controversy requirement when it "provides 'unambiguous information' that the amount in controversy in this case is over \$75,000").

¹ Chipotle denies Plaintiff is entitled to damages as alleged in her Demand Letter and incorporates the Demand Letter as an exhibit solely for the purposes of demonstrating this case exceeds the amount in controversy requirement.

10. This Court has original jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1332 because Plaintiff is a citizen of Michigan, Chipotle is not a citizen of Michigan, and the amount in controversy exceeds \$75,000.00.

11. Because this Court has original jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1332, Chipotle may remove the State Court Action to this Court pursuant to 28 U.S.C. § 1441(b).

VENUE

12. Venue for this removal action is proper in the United States District Court for the Eastern District of Michigan, Southern Division, because the territorial jurisdiction of this Court includes the Macomb County, Michigan, Circuit Court in which Plaintiff filed her Complaint.

13. Removal to this particular Court is therefore proper pursuant to 28 U.S.C. §1446(a).

COMPLIANCE WITH REMOVAL PROCEDURES

14. Pursuant to 28 U.S.C. § 1446(a), all papers served on Chipotle in the State Court Action are being filed herewith.

15. The initial pleading in this matter is removable.

16. The Notice of Removal is timely filed within 30 days of service of the Complaint upon Chipotle, pursuant to 28 U.S.C. § 1446.

17. Chipotle will give Plaintiff written notice of the filing of this Notice of Removal pursuant to 28 U.S.C. § 1446(d) by serving her counsel of record with a copy of this Notice of Removal, inclusive of its attachments, by regular U.S. first class mail, postage prepaid.

18. Chipotle will promptly file a Notice of Filing of this Notice of Removal with the Clerk of the Macomb County, Michigan, Circuit Court, pursuant to 28 U.S.C. § 1446(d).

DATED this 1st day of April, 2022.

Respectfully submitted,

/s/ David J. Stein

David J. Stein
Christen J. McGlynn
Masuda, Funai, Eifert & Mitchell, Ltd.
203 North LaSalle Street, Suite 2500
Chicago, Illinois 60601
P: (312) 245-7500
F: (312) 245-7467
dstein@masudafunai.com
cmcglynn@masudafunai.com

*Attorneys for Defendant Chipotle Mexican
Grill, Inc.*